

**EXHIBIT 2**  
**DEPOSITION OF GREG ESPARZA**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO

3 13-CV-01060 RB/KK

4 SHANNON BAUM,

5 Plaintiff,

6 vs.

7 OFFICER MICHELLE ORTEGA, et al.,

8 Defendants.

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13 DEPOSITION OF GREG ESPARZA

14 October 10, 2014  
15 2:00 p.m.

16 2019 Galisteo Street, Suite A-1  
Santa Fe, New Mexico

17 **CERTIFIED COPY**

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19 PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE,  
this deposition was:

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21 TAKEN BY: DANIEL R. MARLOWE, ESQ.  
ATTORNEY FOR PLAINTIFF

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23 REPORTED BY: CATHERINE LEON, CCR  
New Mexico CCR No. 71  
Cumbre Court Reporting  
2019 Galisteo Street # A1  
Santa Fe, NM 87505  
(505) 984-2244

1 A. No. It was part of the Academy training.

2 Q. Part of the Academy training, okay.

3 I note you are using your police report there  
4 to refresh your recollection, I assume?

5 A. Yes.

6 Q. Can we attach that as an exhibit?

7 MR. BASHAM: Sure.

8 MR. MARLOWE: This will be Exhibit 1 to this  
9 deposition.

10 (Exhibit 1 marked.)

11 Q. (BY MR. MARLOWE) Why did you place a spit bag  
12 on her?

13 A. After I placed her in the back of my patrol  
14 unit -- the reason I placed her and didn't leave her  
15 sitting in front was she was continuing yelling and  
16 cursing, and she attempted to get up and what appeared  
17 to be attempt to flee a couple times, then I sat her  
18 back down, and then when she did it another time, that  
19 is when I walked over to my patrol unit and put her in  
20 the back of my patrol unit and seatbelted her.

21 When she was in the back of my patrol unit,  
22 she was continuing yelling, swearing, cursing, then  
23 started to spit on the back partition and back windows  
24 of the vehicle, so that is when I went, and I removed  
25 the spit bag from my trunk -- the spit hood from my

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1 Q. Anything like that?

2 A. No.

3 Q. What did you do after you arrested Shannon?

4 A. I am not sure what you are asking.

5 Q. After you arrested the defendant, the  
6 individual that was there, what did you do after you  
7 arrested her or after -- let me rephrase that.

8 A. Okay.

9 Q. After you placed her in the back of the car --

10 A. Okay.

11 Q. -- where did you go after that?

12 A. That is just what I had just explained to you.

13 MR. BASHAM: Explain that again.

14 A. After I placed her in the back of the car was  
15 when I attempted to get more information from Officer  
16 Ortega, so I was speaking to Officer Ortega when Shannon  
17 was still in the back of my unit. She was still yelling  
18 and hollering, and that is when she started to spit on  
19 the back partition and back windows of the vehicle.

20 Q. Okay. What did Officer Ortega do -- what did  
21 Officer Ortega say?

22 A. That is when I was attempting to get a  
23 statement from her. That is when she was telling me  
24 that she was -- she was still trying to get -- get calm  
25 and stuff from the incident. She was telling me that

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